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| In re Application of | : | |
| DAGAN | : | |
| Application No.: 10/579,384 | : | |
| PCT No.: PCT/IL04/01061 | : | |
| Int. Filing Date: 18 November 2004 | : | DECISION |
| Priority Date: 20 November 2003 | : | |
| Atty. Docket No.: 06259/LH | : | |
| For: PRESSURIZED OPEN LOOP | : | |
| FREEZE PROTECTED INTEGRAL... | : | |

This is a decision on applicant's "PETITION FOR REVIVAL OF UNINTENTIONALLY ABANDONED APPLICATION" filed in the U.S. Patent and Trademark Office (USPTO) on 18 November 2009. The petition is **DISMISSED** without prejudice as discussed below.

BACKGROUND

On 18 November 2004, applicant filed international application No. PCT/IL04/01061 which claimed a priority date of 20 November 2003, and which designated the United States.

The deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee expired 30 months from the priority date, i.e. 20 May 2006.

On 11 May 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee. Subsequently, on 13 December 2007, applicant filed a declaration of the inventor.

On 25 February 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 05 November 2009, applicant filed a letter of "EXPRESS ABANDONMENT UNDER 37 CFR 1.138."

On 18 November 2009, applicant filed the present petition.

DISCUSSION

Applicant alleges that the abandonment of the present application was unintentional. However, a review of the application file reveals that the application became abandoned through the specific act of filing of a letter requesting that the application be expressly abandoned. As such, the abandonment cannot be held at this time to be unintentional.

CONCLUSION

For the reasons above, the petition is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)". No additional petition fee is required.

Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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